



United States Courts for the Ninth Circuit

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NEWS RELEASE

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Ninth Circuit Court of Appeals to Hear Oral Arguments in Anchorage

SAN FRANCISCO – The Ninth Circuit Court of Appeals will hold a special sitting July 11-14, 2005, at the Federal Building and United States Courthouse for the District of Alaska, 222 West Seventh Ave., Anchorage. Oral arguments will be heard in the Second Floor Courtroom, beginning at 9 a.m. each day.

Cases set for argument will be heard by a panel consisting of Circuit Judge William A. Fletcher and Senior Circuit Judges Melvin Brunetti and Alfred T. Goodwin. The panel will be hearing 23 appeals of agency decisions and lower court rulings from the federal district court for Alaska. Cases on the docket include:

- *Makin v. Pfizer Inc.*, in which Dr. Harbir Makin and his wife, Seema Makin, appeal the district court's summary judgment in favor of the drug maker Pfizer, Inc., in a product liability action. The couple alleged that Harbir developed a permanent myopathic condition caused by his use of the drug Lipitor, manufactured by Pfizer. Case 03-36050.

- *Kivalina Relocation v. Teck Cominco Alaska*, in which the Kivalina Relocation Planning Committee, a citizen advisory group, appeals the district court's summary judgment in favor of mining company Teck Cominco Alaska Inc. in a citizens enforcement suit under the Federal Water Pollution Control Act. The committee, which was appointed by the Alaska Native Village of Kivalina Council and the Kivalina City Council, alleged that Teck violated the National Pollutant Elimination Discharge System by unlawful release of chemicals into the Middle Fork Red Dog Creek and Chukchi Sea. Case 04-35206.

- *Christopher v. National Education*, in which the Equal Employment Opportunity Commission and individual intervenors/plaintiffs appeal the district court's summary judgment in favor of the National Education Association-Alaska and the National Education Association with respect to their employment at NEA-Alaska. Plaintiffs alleged that they were subjected to hostile work environment and sex harassment, and one also alleges that she was constructively discharged. Cases 04-35029 and 04-35201.
- *Alaska Right To Life v. Miles*, in which the Alaska Right to Life Committee appeals the district court's summary judgment in favor of the Alaska Public Officers Commission. The committee had challenged the constitutionality of Alaska state election law that prohibited "electioneering communications" unless done under regulations that would normally apply to a political committee. Case 04-35599.
- *Evergreen v. United States*, in which Alaska Central Express and Evergreen International Airlines appeal the district court's summary judgment and dismissal of their actions challenging the constitutionality of the Rural Service Improvement Act of 2002, which amended the Intra-Alaska Bypass Mail System, in which bulk mail is delivered by air within Alaska. Cases 03-35902 and 03-35996.
- *Alaska Trojan Partnership v. Evans*, in which Alaska Trojan Partnership appeals the summary judgment in favor of the National Fisheries Service, U.S. Department of Commerce and National Oceanic and Atmospheric Administration in denying the partnership's application for an endorsement that would allow taking of the Aleutian Islands brown king crab. Case 04-35753.

A complete schedule of cases to be heard by the court is available online by accessing the link "Hearing Notice Updates" at <http://www.ca9.uscourts.gov/ca9/calendar.nsf/hearing+notice+by+date?OpenView>.

The Ninth Circuit Court of Appeals regularly hears cases in San Francisco, Pasadena and Seattle, and also travels periodically to other cities within the circuit to hold court.

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